

REMARKS

This case has been reviewed and analyzed in view of the Official Action dated 3 June 2004. Responsive to the rejections made by the Examiner in the outstanding Official Action, Claims 1 and 4 have been amended and Claims 2, 3, and 7 have been canceled from this case in order to more clearly clarify the inventive concept of the Applicant.

The Examiner has objected to two typographical informalities in the Claims. Claim 1 has now been amended to overcome the Examiner's objections.

Prior to a discussion of the Examiner's further objections and rejections made in the outstanding Official Action, it is believed that it may be beneficial to briefly review the subject Patent Application in light of the inventive concept of the Applicant. The subject Patent Application method is directed to a method for automatically forwarding and replying to short messages. The message includes the steps of a local user joining a message chat room and examining whether the user presses a key associated with the forwarding of a message. If the user has pressed the key for forwarding of a message, a structuralized, modularized and hierarchical message menu is provided to the user. Otherwise, the user may wait for a plurality of pre-established reply messages to be provided by a server or a remote cellular phone, allowing the local user to press a send key after selecting a reply message. The messages have a packet format including a user defined length, a user defined head length, a plurality of information element identifiers,

a plurality of information element identifier data lengths, and a plurality of information element data.

It is respectfully noted that the Examiner has stated that Claims 3-6 were merely objected as being dependent upon a rejected base Claim, but would be allowable if rewritten in Independent form including all of the limitations of the base Claim and any intervening Claims. Claim 3 has now been canceled from this case and the elements of Claim 3, as originally filed, have now been incorporated into newly-amended Independent Claim 1. Thus, it is believed that the Application has been placed in condition for allowance, and such action is respectfully requested.

The Examiner has rejected Claims 1, 2, and 7 under 35 U.S.C. § 102(e) as being anticipated by the Ballard Patent #6,727,916. It is the Examiner's contention that all elements of Claims 1, 2, and 7 as originally filed, are taught by the Ballard reference.

The Ballard reference is directed to a system which allows a local user to join a message chat room and allows the user to use a microbrowser used on a wireless handheld device. The user may interact in a chat session.

Though the Ballard reference allows for the forwarding and replying of messages utilizing the message chat room system, the Ballard reference does not teach, or even suggest, multiple information element identifiers, information element identifier data lengths, or a plurality of information element data for both forwarding and receiving data in a single packet.

In contradistinction, the method of the subject Patent Application allows for messages having a packet format including a user defined length, a user defined head length, a plurality of information element identifiers, a plurality of information element identifier data lengths, and a plurality of information element data. This allows for great versatility in the various operations and applications which may be associated with the message being sent, and allows for extended features, such as tracking, of the messages. The Ballard system offers only a very basic message forwarding system and does not include any of the complex and versatile data offered in the single packet format of the subject Patent Application.

Thus, the Ballard reference does not provide for: "...the message has a packet format comprising a user defined length (UDL), a user defined head length (UDHL), a plurality of information element identifiers (IEI), a plurality of information element identifier data lengths (IEIDL), and a plurality of information element data (IED)...", as is clearly provided by newly-amended Independent Claim 1.

Thus, based upon newly-amended Independent Claim 1, it is not believed that the subject Application is anticipated by, or made obvious by, the Ballard reference, when Independent Claim 1 is carefully reviewed.

It is now believed that the remaining Claims 4-6 show patentable distinction over the prior art cited by the Examiner for at least the same reasons as those previously discussed for Independent Claim 1.

MR1957-619

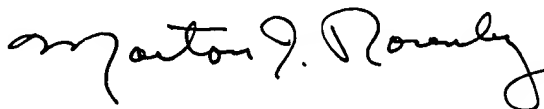
Application Serial No. 09/987,218

Responsive to Office Action of 3 June 2004

The remaining references cited by the Examiner, but not used in the rejection, have been reviewed, but are believed to be further removed when patentable distinctions are taken into account than those cited by the Examiner in the rejection.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Morton J. Rosenberg".

Morton J. Rosenberg

Registration #26,049

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Rosenberg, Klein & Lee
3458 Ellicott Center Drive
Suite 101
Ellicott City, MD 21043
410-465-6678